

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF APRIL 3, 1997


There will be a meeting of the Manistee City Planning Commission to be held on Thursday, April 3, 1997 at 7:00 P.M. in the Police Department, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1.
 - 2.
 - B. Site Plan Reviews:
 - 1. Dave Hoffman - Harbor Village
 - 2.
 - 3.
 - C. Questions, Concerns and Consideration of Matters
 - 1.
 - 2.
- III. Business Session:
 - A. Approval of Minutes from Last Meeting (3/6/97)
 - B. Unfinished Business:
 - 1. Sign Ordinance
 - 2.
 - 3.
 - C. Other Communications:
 - 1. City Update
 - 2.
 - D. Reports:
 - 1. D.D.A. Update
 - 2. Zoning Board of Appeals
 - 3. Site Plan Review/Historic Overlay Committees
 - 4. Joint City Review/Ordinance Committee
 - 5. Pre-Manufactured Homes - Adult Foster Care
 - E. New Business:
 - 1. Set date for April Worksession
 - 2.
- IV. Work/Study Session:
 - A. Pre-Manufactured Housing
- V. Adjournment

cc: Planning Commission Members
City Council
R. Ben Bifoss, City Manager
Jon Rose, Community Development Officer
Lori Donnan, Administrative Assistant
Kurt Schindler, County Planner
Manistee News Advocate
Manistee Observer
WMTE Radio
WXYQ Radio
Jeff Mikula, Abonmarche
Julie Beardslee, Assessor

MEMORANDUM

DATE: March 27, 1997
TO: Planning Commission Members
FROM: Lori L. Donnan, Administrative Assistant 
SUBJECT: April 3, 1997 Planning Commission Meeting

The Planning Commission will be holding its regularly scheduled April 3, 1997, meeting in the Police Department. Members may enter the Police Department through the Maple Street entrance.

Enclosed in your packets are three site plan reviews for Harbor Village. One site plan is strictly for the concept approval of Lakeview. As you may note, under their PUD, Lakeview is allowed a maximum of 14 residential buildings; 23 buildings are being proposed in their concept plan. Thus, this concept plan does not meet the PUD specifications. Please keep this in mind as you make your final decision. The Harbor Village Estates site plan review includes plans for a maintenance building that is designed to replicate the aesthetics of the cottages. I have made a comment on the bottom of the site plan review which states this building will have to go before a public hearing for approval. This is due to the fact that the buildings in the proposed area have been approved for residential use only. The public hearing will be included in next month's agenda.

Also within your packets is a letter from a local Jr. High School student. This letter outlines a number of concerns that this young lady and her peers have taken time to express in writing.

Jon Rose is asking for the Planning Commission's approval on the proposed Sign Ordinance that was presented to the Commission at the March 20th work session. Any additional comments and input you may have can either be addressed at the April 3rd meeting, or by personally contacting Mr. Rose.

Kristie, Roger, and I attended a Manufactured Housing Seminar on March 26, 1997, in Okemos, Michigan. We were all very pleased with the results of our attendance. Through the speakers and handouts, we were able to determine that requiring new homes to aesthetically match the characteristics of their neighborhoods will be a legal option for our zoning concerns. We were also able to gather some important data that relates to Michigan, Manistee County, and national manufactured housing trends. Copies of this information will be distributed at the April 3rd meeting.

With this manufactured housing information in hand, we will need to set a date for our April work session. I am proposing that we set this date for April 17, 1997. This will enable all of you to review the seminar material that we have brought back with us.

If for any reason you are unable to attend our April 3rd meeting, please contact me at 723-2558.

I wish everyone a Hoppy Easter!

SITE PLAN REVIEW

NAME: Harbor Village

PROPOSED USE: Residential
ZONING DISTRICT: R-2 (PUD)PARCEL CODE: 51-51-
LakeviewUSE IS: ☐ Permitted
☐ Special
X Not Permitted

BULK REGULATIONS

	REQUIRED BY ZONING	PROPOSED IN PLAN	COMPLIANCE YES	NO
PARCEL SIZE:	14 buildings	23 buildings	<input type="checkbox"/>	X
STREET FRONTAGE:	n/a	n/a	<input type="checkbox"/>	<input type="checkbox"/>
SETBACKS				
FRONT YARD	25' from road	25'	X	<input type="checkbox"/>
SIDE YARD	15'	22'	X	<input type="checkbox"/>
REAR YARD	12'	12.5'	X	<input type="checkbox"/>
WATERFRONT	n/a	n/a	X	<input type="checkbox"/>
HEIGHT:	39'	33.5'	X	<input type="checkbox"/>
PARKING:	n/a	n/a	X	<input type="checkbox"/>
BUILDING AREA:	12 units per bldg.	2 - 7 units per bldg.	X	<input type="checkbox"/>

SPECIAL DISTRICTS

	APPLIES?		APPROVED?	
	YES	NO	YES	NO
HISTORIC OVERLAY:	X	<input type="checkbox"/>	<input type="checkbox"/>	X
HIGH RISK EROSION:	<input type="checkbox"/>	X	X	<input type="checkbox"/>
FLOOD PLAIN:	<input type="checkbox"/>	X	X	<input type="checkbox"/>
SOIL EROSION:	X	<input type="checkbox"/>	X	<input type="checkbox"/>

OTHER: *Concept approval request only.*REVIEWED BY: Lori L. Donnan
Lori L. Donnan, Zoning Administrator

DATE: March 27, 1997

SITE PLAN REVIEW

NAME: Harbor Village

PROPOSED USE: Condominium

ZONING DISTRICT: R-2 (PUD)

PARCEL CODE: 51-51-
LakeshoreUSE IS: ☒ Permitted
☐ Special
☐ Not Permitted

BULK REGULATIONS

	REQUIRED BY ZONING	PROPOSED IN PLAN	COMPLIANCE YES	NO
PARCEL SIZE:	4,356 sq. ft.	3,200 sq. ft.	X	<input type="checkbox"/>
STREET FRONTAGE:	n/a	n/a	X	<input type="checkbox"/>
SETBACKS				
FRONT YARD	20'	21'	X	<input type="checkbox"/>
SIDE YARD	15'	18'	X	<input type="checkbox"/>
REAR YARD	n/a	5'	X	<input type="checkbox"/>
WATERFRONT	n/a	n/a	X	<input type="checkbox"/>
HEIGHT:	39'	39'	X	<input type="checkbox"/>
PARKING:	n/a	n/a	X	<input type="checkbox"/>
BUILDING AREA:	8 units per bldg.	2 units per bldg. X		<input type="checkbox"/>

SPECIAL DISTRICTS

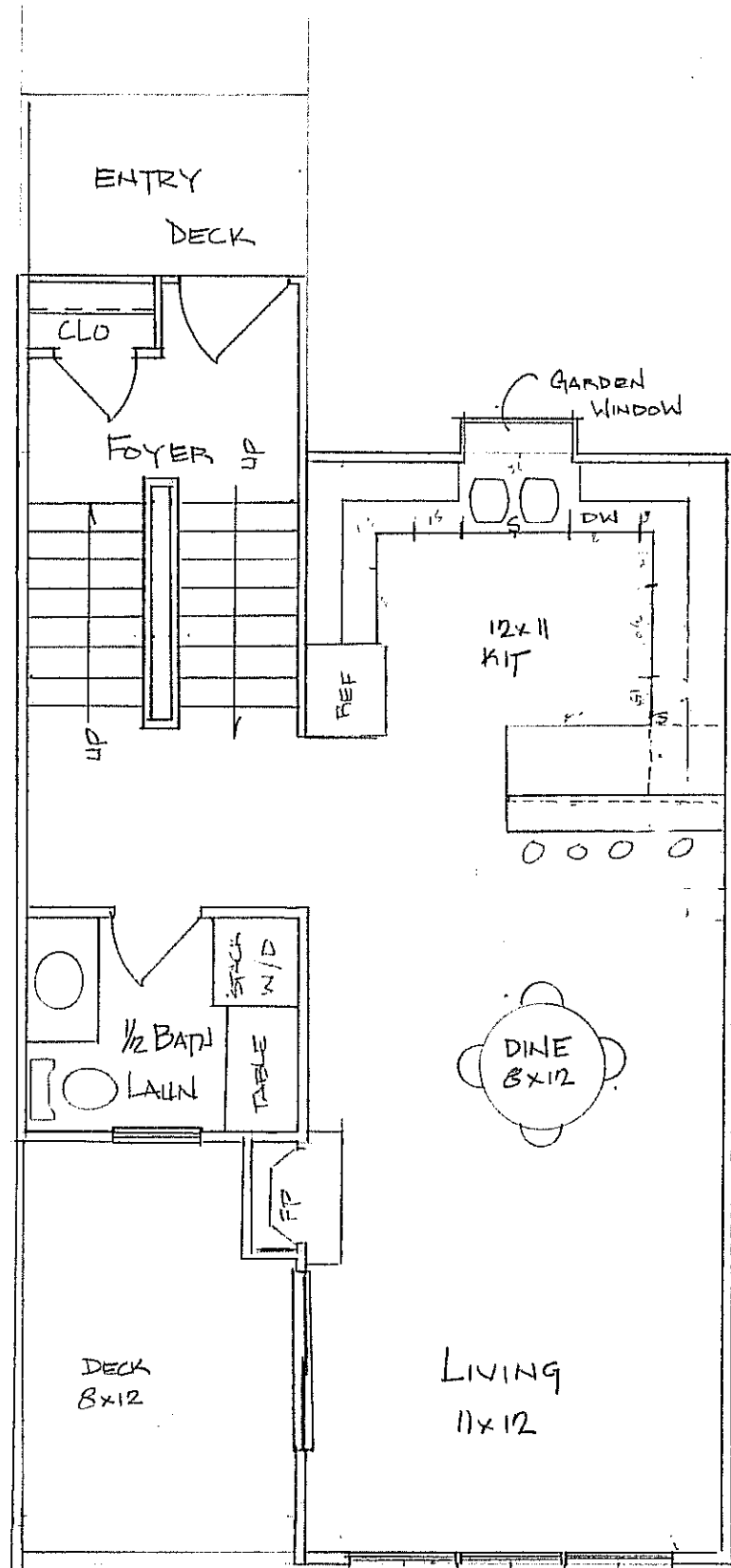
	APPLIES?		APPROVED?	
	YES	NO	YES	NO
HISTORIC OVERLAY:	X	<input type="checkbox"/>	X	<input type="checkbox"/>
HIGH RISK EROSION:	<input type="checkbox"/>	X	X	<input type="checkbox"/>
FLOOD PLAIN:	<input type="checkbox"/>	X	X	<input type="checkbox"/>
SOIL EROSION:	X	<input type="checkbox"/>	X	<input type="checkbox"/>

OTHER:

REVIEWED BY:


 Lori L. Donnan, Zoning Administrator

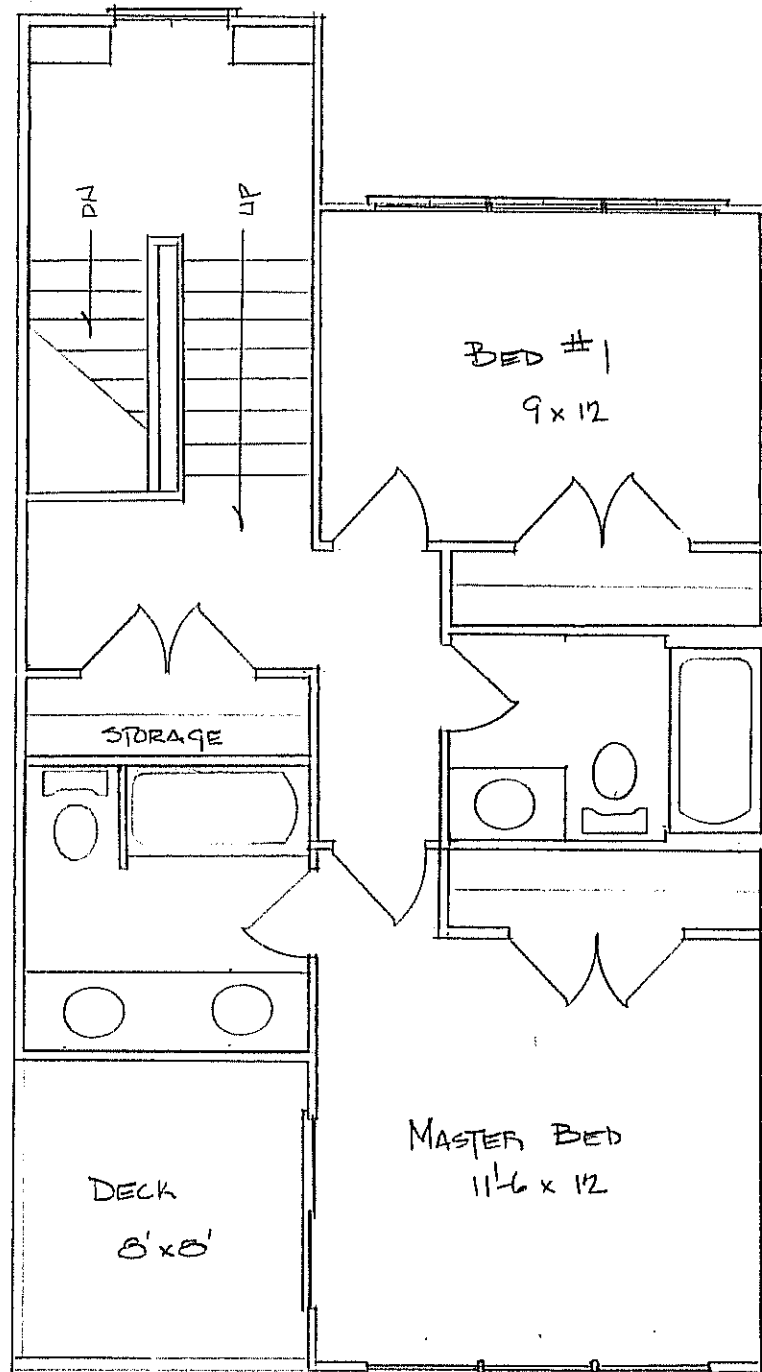
DATE: March 27, 1997



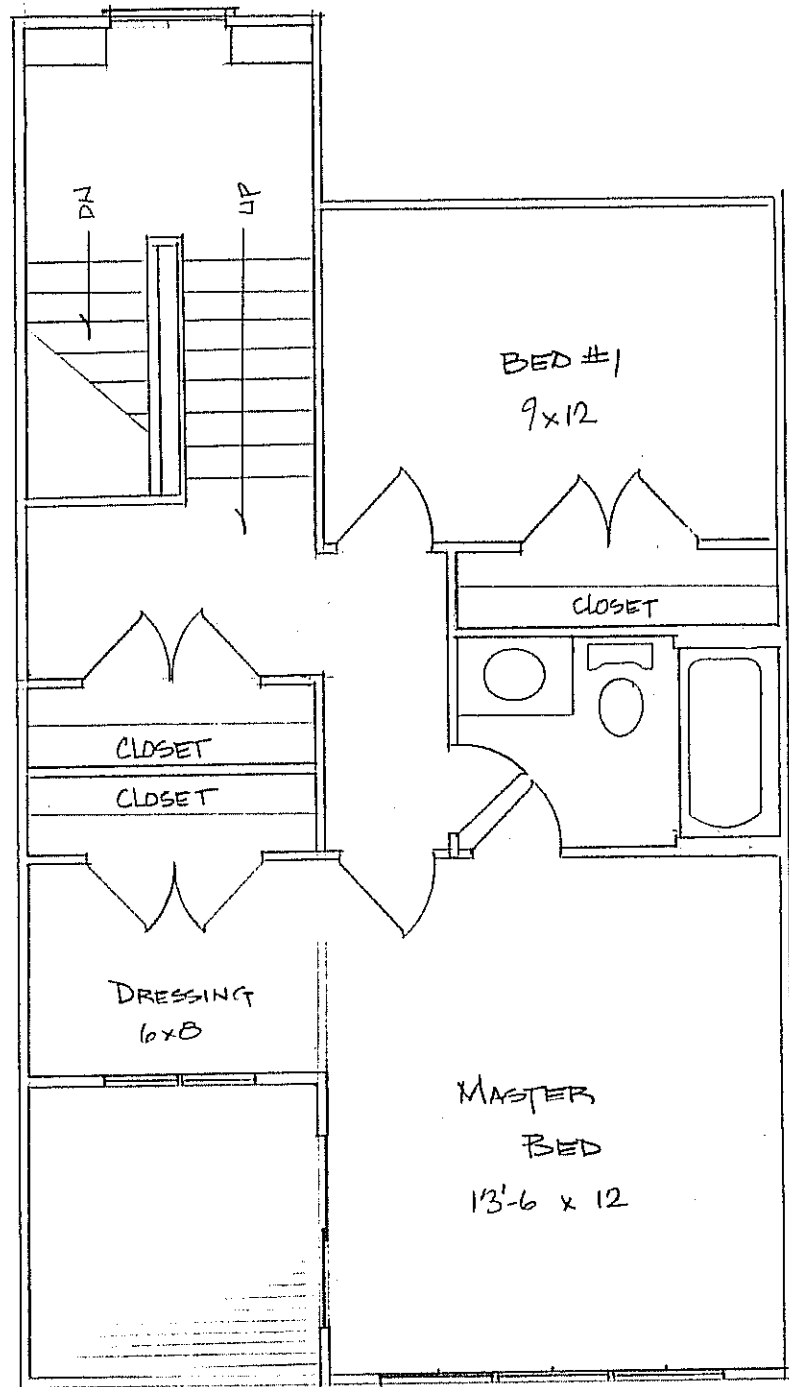
2"

DOUBLE BATH

MORE #



SHARED BATH
LESS MONEY!



SITE PLAN REVIEW

NAME: Harbor Village

PROPOSED USE: Cottages
ZONING DISTRICT: R-2 (PUD)PARCEL CODE: 51-51-
Harbor Village EstatesUSE IS: ☒ Permitted
☐ Special
☐ Not Permitted

BULK REGULATIONS

	REQUIRED BY ZONING	PROPOSED IN PLAN	COMPLIANCE YES	NO
PARCEL SIZE:	14,520 sq. ft.	2,800 sq. ft.	X	<input type="checkbox"/>
STREET FRONTAGE:	n/a	n/a	X	<input type="checkbox"/>
SETBACKS				
FRONT YARD	25'	40'	X	<input type="checkbox"/>
SIDE YARD	15'	23'	X	<input type="checkbox"/>
REAR YARD	10' (green belt)	10'	X	<input type="checkbox"/>
WATERFRONT	n/a	n/a	X	<input type="checkbox"/>
HEIGHT:	25'	25'	X	<input type="checkbox"/>
PARKING:	n/a	2	X	<input type="checkbox"/>
BUILDING AREA:	45,000 sq. ft. (max. 1 st floor)	1,925 sq. ft. (approx.)	X	<input type="checkbox"/>

SPECIAL DISTRICTS

	APPLIES?		APPROVED?	
	YES	NO	YES	NO
HISTORIC OVERLAY:	X	<input type="checkbox"/>	X	<input type="checkbox"/>
HIGH RISK EROSION:	<input type="checkbox"/>	X	X	<input type="checkbox"/>
FLOOD PLAIN:	<input type="checkbox"/>	X	X	<input type="checkbox"/>
SOIL EROSION:	X	<input type="checkbox"/>	X	<input type="checkbox"/>

OTHER: The proposed maintenance building will require a public hearing due to the change of use - designated for single family dwellings.

REVIEWED BY: Lori L. Donnan
Lori L. Donnan, Zoning Administrator

DATE: March 27, 1997

4.3.97

Refer to
planning
comm.

811 Kosciusko St.

Manistee, MI 49660

March 4th, 1997

Mayor-- Lorraine Conway

506 9th St.

Manistee, MI 49660

Dear Lorraine:

**I am a seventh grade student at
Manistee Middle School. I am writing to
ask you something about the old K-mart.
A lot of my friends want to put a roller**

skating rink in there or put a indoor ice skating rink in there. What I personally would like to have in the old K-mart is sort of like the teen center but more things to do there.

Can you have the teen center that we have now hold the hours of ice skating to 9:00 instead of 8:30? Most of my friends like to stay out at the rink for a half -a- hour more.

Also what I would like to ask you is about building a new Junior High School. The one that's standing there is really old.

lockers don't open easily. It's really cold in the building. The gym is old. We also don't have our own lunchroom. Could you get us some more benches please?

Another question I have for you is why don't we have a mall in Manistee? All we have is K-mart and the downtown area.

Can we have a Taco Bell in Manistee? All we have is burger places. We took a survey in school, and we found out that 90% of the class said " We need a Taco Bell!" Could maybe you take a vote in Manistee about having a Taco Bell?

I hope maybe you could answer my questions so that I will know. Thanks for listening.

Sincerely,

Lindsey Skocelas

TRENDS & FACTS

- 1960's maximum width for a single mobile home was 12 ft; 24 ft for a double wide.
- 1972 maximum width for a single wide was 14 ft; 26/28 ft for a double wide.
- 1980's maximum width for a single wide was 16 ft; 28 ft for a double wide.
- 1/4 million mobile homes are used as permanent dwellings.
60% in trailer parks
40% on private land
- Over the past 10 years an average of 100,000 mobile homes were sold in Michigan.
- In 1996 111,900 mobile homes were sold in Michigan.
- Multiple section mobile homes more popular than single section homes.
- Early 1990's private property mortgage made available for mobile home buyers.

SIZE

1991 1,600 sq ft living space for a double wide
1,100 sq ft living space for a single wide

COST

1991	\$37,000 double wide	1996	\$43,500 double wide
	\$23,000 single wide		\$30,000 single wide

Per Square Foot =

1991	\$24 double wide	1996	\$27.62 double wide
	\$23 single wide		\$26.53 single wide

LOCATION

1991	80% mobile home parks 20% private land	1996	50% mobile home parks 50% private land (increase due to availability of financing private land)
1991	65% urban 35% rural	1996	57% urban 40% rural

SALES

Manistee County	67
Muskegon County	253
Grand Traverse Co.	138
Mason County	77

MANUFACTURED HOME PARKS/COMMUNITIES

Manistee County	100
Mason County	677
Grand Traverse Co.	1511
Mason County	3943

CUSTOMER DEMOGRAPHICS

Age	11%	30 and under	Average Income	\$22,600
	61%	30 - 59	Married	49%
	28%	60 plus	Divorced/widowed	38%
			Single	13%

THE MOBILE HOME COMMISSION ACT

Pg. 6 - "aesthetically to site-built housing located or allowed in the same residential home."

Examples Limit size of homes i.e. 24 ft. x 24 ft.
 Prohibit single floor homes
 Prohibit flat roofs
 Require a specific roof pitch

****Must apply to all types of housing in the zoning ordinance. Can not specify manufactured homes only. (Refer to Pg. 5 of the Mobile Home Commission Rule Book)**

MOBILE HOME COMMISSION RULE BOOK

Pg. 4 - Proposed higher standard; filing; approval and disapproval; adoption of ordinance

A local government may propose higher standards for manufactured homes within their communities by:

1. Holding a public hearing.
2. Sending a letter of intended purpose, related data, and any other required information to the Mobile Home Commission.
3. Commission will approve/disapprove within 60 days of receiving letter.
4. If denied, local government may have a hearing before the Commission.
5. Upon approval, the local government may adopt the standard within their ordinance.

**A Comparison Of The Federal Manufactured
Construction And Safety Standards (FMHCSS) To
The Council Of American Building Officials (CABO)
One And Two Family Dwelling Code, In Effect In
1997**

John G. Sims, P.E.
Director of Regulatory Affairs
Champion Enterprises, Inc.

Code Comparison - 1997

FMHCSS

CABO - 1995

PLANNING

Light: 8% glazing; artificial substitution permitted in non-habitable rooms only.

Vent: 0.35 ach. [nat. vent + 1 mech. vent] + 4% openable windows & mech. kitch & mech. or openable bath exhausts

Ceiling: Min. 7' over 50% of floor

Exit doors: 2, remote, 28"x72", AAMA

Exit window: 1/bdrm; AAMA

Rooms: 1 living area >150 sq.ft.; 50/70 sq.ft. min. bdrm.; no kitch. dims. 5' min horz. dim.

Toilet: 30" wide; 21" in front; privacy lock

Hallways: 28" wide

Glass: windows & doors meet AAMA
Safety glazing to ANSI Z97

Interior Privacy Locks: emergency release

Skylights, screens, glazing: no reqs.

Light: 8% aggregate glazing or art. subs. if 6 ft. candles.

Vent: 0.35 ach. [nat. vent.] or 4% openable windows, + mech. or openable bath exhausts

Ceiling: Min. 7'6" over 50% of floor

Exit doors: 1; 36"x"

Exit window: 1/bdrm; 5.7 sq.ft.

Rooms: 1 living area >150 sq.ft.; 70 sq.ft. min. bdrm.; 50 sq.ft. min. kitch. 7' min. horz. dim.

Toilet: 15"/side; 21" in front; privacy "afforded."

Hallways: 36" wide

Glass: windows & doors meet AAMA, NWWDA
Safety glazing to CPSC-16, in more places.

Interior Privacy Locks: not covered

Skylights, screens, glazing: prescriptive reqs.

FIRE SAFETY

FSR's: walls - 200; ceilings - 75; furnace & water heater comp. - 25; adjacent cooking range - 50. No Smoke develop. req.

Kitch. Cabinet: gypsum-lined within 6" horiz. of range; metal hood above cooking surface; vert. clearance - 24".

Carpeting: prohibited in furnace/water heater comp.

Insulation: No req.

Firestopping: 1" nom. lumber, 5/16" gyp. or equiv.) for any concealed draft openings

Foam plastic: prohibited unless sandwiched & limited combustible

Smoke detector: 1/bdrm. area. Not connected. Hard wired. Not permitted on ceilings.

Fire Testing: by Nationally Recognized Testing Labs, acceptable to the Secretary

FSR's: Interior finish - 200. 450 smoke develop.

Kitch Cabinet: horiz. clearance per listing; vert. clearance - 24/30"

Carpeting no req.

Insulation: Exposed, 25 fsr

Draftstopping: 3/8" wood panels, 1/2" gyp for specific draft openings.

Foam plastic: prohibited unless sandwiched & limited combustible [more stringent]

Smoke detector: 1/bdrm. + each sleeping area. Hard wired with battery backup. Interconnected.

Fire Testing: To ASTM E-84

CONSTRUCTION

Structural analysis: calculation or test
Test: By 3rd party, recognized or approved by Dept.
Wood: 19% moisture content
Design Reqmnts (Mich.): Wind - 15 psf & 9psf upward; Snow - 20/30 psf; Floors - 40 psf + 200 lb. concentrated load on decking
Deflections: Floor - L/240; Wall & ceilings - L/180
Interior partitions: 5psf
Floor Decking: Openings waterproofed
Frame: capable of transmitting design loads to stabilizing devices & transmitting transportation loads
Anchors: acceptable system required

Structural analysis: prescriptive tables
Test: For equivalency only, in manner acceptable to AHJ
Wood: moisture content no specified
Design Reqmnts (Mich.): Wind - none; Snow - 10/50 psf; Floors - 30/40psf
Deflections: Floor - L/360; ceilings - L/180 to L/360; walls -H/180
Interior partitions: 2x3, 24" OC, min.

ENVIRONMENTAL PROTECTION

Rodents. Formaldehyde

Radon. Decay. Termites

TESTING

F.S.: 1.75, Proof Load; 2.5 Ultimate Load
Trusses: Uniform loading procedure
Window/Doors: AAMA

F.S.: Acceptable to AHJ

THERMAL

Moisture Control: Ceiling - vapor barrier in zones 1 & 2 + attic ventilation (exc. metal roof single wides). Walls - vapor barrier, combined perm., or ventilated.
Air Infiltration: envelope penetrations & system joints sealed
Uo: 0.116; 0.096; 0.079
Window/door Uo: determined per AAMA
Indoor Temp. Capacity: 70°
Credits: High effic. appliance & annl usage
Certification: heat loss/heat gain certificate
Calculated ACH: 0.85 ACH, min.

Moisture Control: Vapor barrier in walls, floors and unventilated ceilings.
Air Infiltration: envelope penetrations & system joints sealed
Uo: 0.119 [2000 dd]; 0.092 [4000 dd]; 0.089 [6000 dd]
Window/door Uo: determined per NFRC
Indoor Temp. Capacity: 68°
Credits: High effic. appliance & annl usage
Certification: heat loss/heat gain posting
Calculated ACH: 0.51 ACH.

PLUMBING

Cleanouts: 360° or at end of pipe sloped 1/8"

Water Pipe Sizing: # fixtures

Drain Pipe Sizing: # fixtures

Vents: "Main" reqd./toilet; 2" wet vent; 1-1/2" dry vent. Auto vent or mech. vent.

Tests: 100 psi water test; DWV water or air fill; Fixture flow; Shower compt. fill.

Shower Control Valve: not reqd.

Water conservation: 2.5 gpm faucets

Cleanouts: 45° or 40' run

Water Pipe Sizing: # fixtures

Drain Pipe Sizing: # fixtures

Vents: 1 soil stack; 2" wet vent; 1-1/2" dry vent. Mech. vent.

Tests: 100 psi water test; DWV water or air fill; Fixture flow; Shower compt. fill. May be waived.

Shower Control Valve: reqd.

Water conservation: 2.2 gpm faucets

MECHANICAL

Fuel Lines: Certified capacity provided.

Rough system tested @ 6" Hg. or 3 psi; final inspection at 10-14" H₂O with soapy water. Shutoff valve within 6' of cooking appliance & 3' of all other.

Appliances: sealed combustion. Listed.

Performance efficiencies specified.
Accessible & removable.

Air Distribution: Duct sizing based on

appliance; air tightness requirements.

Requires all living spaces to be open to return air.

Fuel Lines: Certified capacity provided.

Rough system tested @ 6" Hg. or 10 psi; no low pressure test. Shutoff valve within 6' of appliance.

Appliances: sealed combustion only for "unusually tight construction." Listed or "approved by building official". Performance efficiencies specified. Accessible & removable with specific clearances.

Air Distribution: Duct sizing per ACCA

Manual D; no air tightness requirements.

No requirement for return air from all living spaces.

ELECTRICAL

NEC: 1993 version.

Power supply: feeders, or mounted service on permanent foundations. Min. load 40 amps.

Distribution: Panels permitted in closets. Access & workspace reqd. Prohibits aluminum wiring. Single disconnect.

Grounding: insulated neutral (4 wire system)

Receptacles: 1/countertop area. 1 outdoor.

Testing: Dielectric strength, continuity,

NEC: 1993 version.

Power supply: Mounted service. Min. load 60 amps. polarity, operation

Distribution: Panels not permitted in closets; lit access & larger workspace reqd. Permits aluminum wiring. Max. 6 disconnects.

Grounding: grounded neutral (3 wire system)

Receptacles: Every 24" of counter top. 2 outdoors.

Testing: none required.

DEFINITION

Permanent chassis

No chassis required

PURPOSE

Reduce losses, and improve quality & durability. Standards "shall meet highest standards of protection"

Provide minimum standards for protection of public.

Generally, performance oriented
"This standard seeks to the maximum extent possible to establish performance requirements."

Generally, prescriptive oriented

DEVELOPMENT/MAINTENANCE

CABO Committee:
Govt./Producers/Users

CABO Committee:
Govt. & 1 Producer

HUD

State adoption without change
Uniform

State adoption with change
3900 variations of basic codes

ENFORCEMENT

DAPIA
Internal QC
IPIA
NCSBCS
HUD

AHJ

CONSUMER PROTECTION

Manufacturer's Express Warranty
State Attorney General
Better Business Bureau
Lawyers
SAA
HUD

Manufacturer's Implied Warranty
State Attorney General
Better Business Bureau
Lawyers

§ 125.2307

6

(b) The mobile home setup and installation standards promulgated by the federal department of housing and urban development pursuant to the national manufactured housing construction and safety standards act of 1974, 42 U.S.C. 5401 to 5426.

(5) In the absence of any setup or installation specifications or standards for foundations as set forth in subsection (4)(a) or (b), the local government standards for site-built housing shall apply.

(6) A local government ordinance shall not contain roof configuration standards or special use zoning requirements that apply only to, or excludes, mobile homes. A local government ordinance shall not contain a manufacturing or construction standard that is incompatible with, or is more stringent than, a standard promulgated by the federal department of housing and urban development pursuant to the national manufactured housing construction and safety standards act of 1974, 42 U.S.C. 5401 to 5426. A local government ordinance may include reasonable standards relating to mobile homes located outside of mobile home parks or seasonal mobile home parks which ensure that mobile homes compare aesthetically to site-built housing located or allowed in the same residential zone.

History: 1987, Act 96, Imd. Eff. July 6, 1987.

125.2308 Exemptions.

Sec. 8. This act shall not apply to property used for housing agricultural labor forces or campgrounds.

History: 1987, Act 96, Imd. Eff. July 6, 1987.

125.2309 Rules establishing fees and charges for licenses or permits; application of fees and charges; funding for commission; rules to adjust fees.

Sec. 9. (1) The commission shall promulgate rules to establish fees and charges for the issuance of licenses or permits under section 5.

(2) The fees and charges under this act shall be applied solely to the implementation of the act and shall constitute the total funding for the commission except as provided in Act No. 243 of the Public Acts of 1959, being sections 125.1035 to 125.1043 of the Michigan Compiled Laws.

(3) A fee shall not be charged for an investigation conducted pursuant to section 36.

(4) A fee shall not be charged or collected by the commission in excess of that necessary to administer and enforce this act.

(5) The commission may promulgate rules to adjust the fees established in subsection (1) and in sections 21, 30a, and 30c such that revenues obtained under this act equal appropriations by the legislature for the purpose of administering this act. However, the adjusted fees shall not exceed the fees stated in sections 21, 30a, and 30c.

History: 1987, Act 96, Imd. Eff. July 6, 1987.

Administrative Rules: R 125.1101 et seq. of the Michigan Administrative Code.

125.2310 Copies of documents.

Sec. 10. Upon request and at reasonable charges as the commission prescribes, the department shall furnish to any person photostatic or other copies, certified under the seal of office if requested, of a document which is retained as a matter of public record, except that the department shall not charge or collect a fee for photostatic or other copies of a document furnished to public officials for use in their official capacity.

History: 1987, Act 96, Imd. Eff. July 6, 1987.

7

THE MOBI

125.2311 Preliminary plan for seasonal mobile home park approval.

Sec. 11. (1) A person who desires to develop a seasonal mobile home park shall submit a preliminary plan to the department, county road commission, and the health department. The preliminary plan shall include a description of the project. The preliminary plan shall also include a description of the project.

(2) The municipality may grant a seasonal mobile home park in conflict with this act and laws of the state.

(a) Land use and zoning.

(b) Municipal water supply, sewerage, and drainage.

(c) Compliance with local fire codes.

(3) The county drain commission, county road commission, and the health department shall review the preliminary plan and the standards to implement this subsection. The health department shall not have authority to approve or disapprove a seasonal mobile home park.

(4) The local health department shall review the preliminary plan for suitability.

(5) If a reviewing agency as provided in this act receives the preliminary plan, the reviewing agency shall forward the preliminary plan to the department of public health before it is approved.

(6) Coordination of approvals by the department of public health before it is approved.

(7) The developer shall submit a preliminary plan to the department of public health for review and approval before construction permit.

History: 1987, Act 96, Imd. Eff. July 6, 1987.

125.2312 Submission of preliminary plan for approval; issuance of construction permit.

Sec. 12. (1) When all preliminary plans are approved, the department shall issue a construction permit.

(2) The department shall review the preliminary plan for approval or disapproval. Upon the approval of the preliminary plan, the department shall issue a permit to construct the seasonal mobile home park.

History: 1987, Act 96, Imd. Eff. July 6, 1987.

125.2313 Construction permit.

Sec. 13. (1) A person shall not construct a seasonal mobile home park without obtaining a permit issued by the department.

(2) Construction may begin after the permit is issued by the department.

History: 1987, Act 96, Imd. Eff. July 6, 1987.

R 125.1115 Commission; meeting; public participation; public hearing.

Rule 115. (1) A member of the public may attend meetings of the commission.

(2) During a commission meeting, a member of the public may participate in the discussion of an agenda item if the consideration of that agenda item is before the commission.

(3) Testimony by a member of the public shall be given in the same manner as at a public hearing.

(4) Testimony or comments, or both, presented by a member of the public during public hearing shall be limited to 10 minutes for a person representing an organization and limited to 5 minutes for a person not representing an organization. The person presiding over the hearing may grant 10 additional minutes to anyone. Additional comments may be submitted to the commission in writing.

History: 1954 ACS 96, Eff. July 12, 1973; 1979 AC.

*** R 125.1120 Proposed higher standard; filing; approval and disapproval; adoption by ordinance.**

Rule 120. (1) Pursuant to section 7(1) of the act, local governments proposing a higher standard than promulgated by these rules shall, after public hearing, file the proposed standard with the commission for review and approval.

(2) The filing shall be in letter form and shall contain, but not be limited to, the following:

(a) A statement pertaining to the current specific standard for which a higher standard is being proposed.

(b) The proposed higher standard.

(c) A statement or statements pertaining to why the local government requires a higher standard than the existing standard.

(d) A statement or statements that the proposed higher standard is not designed to generally exclude mobile homes or persons who engage in any aspect pertaining to the business of mobile homes.

(e) A statement or statements comparing the proposed higher standard with the standard applicable to other types of housing. The standard applicable to other types of housing shall be submitted with these statements.

(f) Any other information and data that provides justification for the proposed higher standard.

(3) The commission shall approve or disapprove the proposed higher standard within 60 days after filing with the commission and shall notify the local government, in writing, of its decision. If the commission denies the request, the local unit of government is entitled to a hearing before the commission or its designated representative pursuant to R 125.1135.

(4) If the commission does not approve or disapprove the proposed higher standard within 60 days after filing with the commission, the standard shall be considered approved unless the local government has granted the commission additional time to consider the proposal.

(5) After receipt of approval, or if the 60 days or extended time limit has lapsed, the local government may adopt the standard by ordinance.

History: 1954 ACS 98, Eff. Feb. 28, 1979; 1979 AC; 1979 ACS 2, Eff. May 2, 1980.

R 125.1125 Proposed higher standard; intent to deny; order.

Rule 125. (1) The commission may deny a proposed higher standard by local government pursuant to the provisions of section 7(1) of the act. The commission shall

notify the local government by certified mail or personal delivery of the preliminary order of intent to deny. This preliminary order of intent to deny shall constitute notification within the 60-day time limit, and extension if any, pursuant to the act.

(2) The preliminary order of intent to deny shall automatically be final after 15 days following the date of receipt of the order by local government, unless the local government requests, in writing, a hearing before the commission pursuant to the provisions of section 71 of Act No. 306 of the Public Acts of 1969, as amended, being §24.271 of the Michigan Compiled Laws.

History: 1954 ACS 98, Eff. Feb. 23, 1979; 1979 AC; 1991 MR 1, Eff. Feb. 1, 1991.

R 125.1130 Enacting ordinances designed as exclusionary to mobile homes prohibited; proposed higher standard; aggrieved persons; hearing.

Rule 130. (1) Pursuant to the provisions of section 7(2) of the act, a municipality or a local government, as defined in the act, shall not enact ordinances that are designed as generally exclusionary to mobile homes.

(2) A municipality or local government which proposes a higher standard than that in the act or in these rules shall comply with the provisions of R 125.1120.

(3) A person who is aggrieved by any local action shall be given an opportunity for hearing by the commission to review the local decision pursuant to the provisions of sections 4(c) and (d), 7, and 18(5) of the act.

(4) Pursuant to the provisions of section 7(3) of the act, a municipality or local government shall not impose a higher standard on mobile home parks and condominiums than that imposed in these rules, unless approved by the commission pursuant to the provisions of section 7(1) of the act.

(5) A municipality or local government shall not impose a local standard on the construction of a mobile home that is higher or different than the federal standard established under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 et seq. and the standards promulgated thereunder by the United States department of housing and urban development, being 24 C.F.R. §3280.

History: 1954 ACS 98, Eff. Feb. 23, 1979; 1979 AC; 1979 ACS 2, Eff. May 2, 1980; 1985 MR 6, Eff. July 17, 1985; 1991 MR 1, Eff. Feb. 1, 1991.

R 125.1135 Hearing; notice and conduct.

Rule 135. (1) Upon notice of request for hearing by an aggrieved party, the commission shall, without undue delay, set the time and date for the hearing.

(2) The local government shall be notified of the time, date, and location of the hearing by certified mail or personal delivery at the address that appears on the original request for review of a proposed higher standard. The notice of hearing shall not be sent less than 20 days before the hearing date.

(3) The hearing shall be open to the public and shall be conducted in accordance with Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

(4) The hearing shall be conducted by a presiding officer who shall be appointed by the commission. The decision of the commission shall be the final decision.

History: 1954 ACS 98, Eff. Feb. 23, 1979; 1979 AC.

R 125.1140 Hearing; appearances; adjournment or continuance; statements and briefs; service.

Rule 140. (1) A local government shall be represented at the hearing by a duly authorized agent.